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May 21, 2009

Re: Docket No. 2008-0273; In the Matter of Public Utilities Commission Instituting a Proceeding to Investigate the Implementation of Feed-in Tariffs

To: Service List

By letter dated and filed on May 19, 2009, the Department of Business, Economic Development, and Tourism ("DBEDT") requested an extension of time from May 22, 2009 to June 16, 2009 for the filing of opening briefs and a corresponding extension of time for all remaining deadlines. According to DBEDT, "[i]n conversations with some parties after the panel hearings, DBEDT has been led to believe that, given more time, substantive progress on the settlement of some issues brought up at the panel hearings could be forthcoming DBEDT finds real reason to hope for the narrowing of issues and commensurate quality of presentation of those issues remaining unsettled for the opening briefs. We feel this is also in the Commission's best interest, given that in three weeks issues may be taken off the table and the parties will have more time to prepare a better, more tightly focused opening brief." DBEDT states that the HECO Companies and the Consumer Advocate do not oppose the extension request and that all of the intervenors except Zero Emissions LLC (represented by Erik Kvam, who is traveling and out of communication) "support" the request.

The commission will treat DBEDT's letter request as a motion for extension of time under Hawaii Administrative Rules ("HAR") §§ 6-61-23 and 6-61-41. HAR § 6-61-23(a)(1) allows the commission to enlarge a period by which a required act must be completed upon a showing of good cause provided that a written request is made before the expiration of the period originally prescribed.¹ If the period originally prescribed has expired, the commission may only grant the request upon a showing that the "failure to act was the result of excusable neglect." HAR § 6-61-23(a)(2).

¹Motions that do not involve the final determination of a proceeding may be determined by the chairperson or commissioner. See HAR § 6-61-41(e).

After reviewing the entire record, the commission grants DBEDT's extension request for a three-week extension.² As such, the commission will extend the deadline for opening briefs from May 22, 2009 to June 12, 2009, and will adjust all remaining deadlines accordingly³ as follows:

Opening Briefs	June 12, 2009
Reply Briefs	June 26, 2009
PUC Decision on General Principles	August 2009
Settlement discussions to apply PUC principles to actual tariffs	Begin August 2009
Filing of Proposed Tariffs (and Standard Contract) and Alternative Tariffs	September 22, 2009
Parties' Comments on Proposed Tariffs	September 30, 2009

The commission, however, will remind the parties that any written settlement filed with the commission should be supported by evidence in the record and should not represent a mere splitting of the difference by the parties of their respective positions.

Sincerely,



Carlito P. Caliboso
Chairman

CPC:SKD:cp

²DBEDT requested an extension of three weeks, which would be from May 22, 2009 to June 12, 2009.

³The commission has extended the remaining deadlines by three weeks from the original deadline.

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